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PART II.

Constitution and Government of the Corporation.

CHAPTER II.

The Municipal Authorities.

Composition of the Corporation.

Enumeration of authorities.

4. The municipal authorities charged with carrying out the provisions of this Act are—

(*a*) a corporation;

(*b*) standing committees of the corporation;

(*c*) a commissioner.

Constitution of corporation.

5. (1) The corporation shall consist of—

(*a*) sixty divisional councillors, of whom fifty shall be persons elected to general seats, five to seats specially reserved for depressed classes and five to seats specially reserved for women:

Provided that nothing in this clause shall be deemed to prevent members of the depressed classes or women from standing for election to the non-reserved seats ;

(*b*) four councillors to seats specially reserved for labour ;

(*c*) two councillors to seats specially reserved for Trade and Commerce elected by such bodies and in such manner as may be notified by the Government in the official Gazette.

(*d*) five aldermen, of whom one shall be a woman elected by the councillors referred to in clauses (*a*) to (*c*) in the manner specified in section 64.

(2) The Government may, by notification, increase or reduce the number of councillors to be elected to seats specially reserved under clause (*a*) or clause (*b*) of sub-section (1) and thereupon the number of councillors specified in those

clauses shall be deemed to havebeen increased or reduced accordingly.

(3) In addition to the councillors referred to in clauses (*a*) and (*b*) of sub-section (1), the Government may appoint a person or persons having special knowledge or experience of any subject relating to the municipal administration to be special councillor or councillors for such subject. Every special councillor shall exercise the rights of a councillor only in respect of the subject for which he is appointed, but he may attend any meeting of the corporation and take part in the discussion of any other subject without the right of voting. There shall not be more than three special councillors on the corporation at any time.

(4) (1) The corporation shall by name of the "Corporation of Bangalore" be a body corporate, and have perpetual succession and a common seal and may by such name sue and be sued.

Constitution of standing committees.

6. (1) There shall be five standing committees for dealing respectively with—

(*i*) Accounts,

(*ii*) Health,

(*iii*) Taxation and Finance, excluding Taxation Appeals

(*iv*) Town-Planning and Improvements, and

(*v*) Works.

(2) The corporation may, with the previous sanction of the Government, constitute additional standing committees for such purposes as the corporation thinks fit.

The Several Authorities.

The Commissioner.

Definition of commissioner

7. The commissioner shall be appointed by the Government and shall not be a member of the corporation.

Term of office of commissioner.

8. (1) The commissioner shall hold office for a renewable period of three years.

(2) The Government may at any time remove the commissioner from office and shall do so, if at a special meeting of the corporation called for the purpose not less than forty members thereof vote for such removal.

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Power of commissioner.

9. Subject, whenever it is hereinafter expressly directed, to the sanction of the corporation or the standing committee, as the case may be, and subject to all other restrictions, limitations and conditions hereinafter imposed, the executive power for the purposes of carrying out the provisions of this Act shall be vested in the commissioner, who shall also perform all the duties and exercise all the powers specifically imposed or conferred on him.

Custody of records.

10. The commissioner shall be responsible for the custody of all the records of the corporation including all papers and documents connected with the proceedings of the corporation, the standing committees and other committees, and shall arrange for the performance of such duties relative to the proceedings of the said bodies as they may respectively impose.

Extraordinary powers of commissioner.

11. The commissioner may, in cases of emergency, direct the execution of any work or the doing of any act which would ordinarily require the sanction of one of the other municipal authorities and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public and may direct that the expense of executing the work or of doing the act shall be paid from the municipal fund :

Provided that he shall report forthwith the action taken under this section and the reasons therefor to such other authority.

Duty of commissioner.

12. The commissioner shall be a whole-time officer of the corporation and shall not undertake any work unconnected with his office without the sanction of the Government and the corporation.

Salary of commissioner.

13. The commissioner shall be paid out of the municipal fund such salary as may from time to time be fixed by the Government.

Leave of commissioner.

14 (1) Leave may be granted to the commissioner by the Government.

(2) Whenever such leave is granted, the Government shall appoint some person to officiate in his place.

Service regulations of commissioner

15. (1) If the commissioner is an officer in the service of Government, the corporation shall make such contribution towards his leave allowances, pension and provident fund as may be required by the conditions of his service under the Government to be paid by him or on his behalf.

(2) If the commissioner is an officer in the service of the Government, his leave and leave allowances, his superannuation or retirement, his gratuity or pension and the proportions of his pensionary or provident fund contribution payable respectively from his salary and from the municipal fund shall be governed by regulations framed by the Government :-

Provided that—

(*a*) the amount of any such leave and leave allowances, gratuity or pension shall in no case without the special sanction of the Government exceed what would be admissible in the case of Government servants of similar standing and status; and

(*b*) the conditions under which such allowances are granted or any leave, superannuation or retirement is sanctioned, shall not without similar sanction be more favourable than those for the time being prescribed for such Government servants.

Delegation of commissioner's ordinary powers.

16. The commissioner may delegate to the holder of any municipal office, any of his ordinary powers, duties or functions except those conferred or imposed upon, or vested in him by the following provisions, namely, sections 25, 62, 63, 64, 67, 73, 74, 158, 172(2), 182(2) and (3), 183, 184, 187, 199, 223, 224, 262, 299, 305, 309, 316, 317, 318, 324, 325, 326, 332, 333, 339, 348, 350, 353, 364, 368, 369, 380, 433, 452, schedule III, rule 14, schedule IV, rules 13 and 14:

Provided that—

(*a*) such delegation shall be in writing and shall specify the name or official designation of the person to whom the delegation is made;

(*b*) the commissioner shall not delegate his power under section 90 to make appointments to offices carrying a salary of more than fifty rupees per mensem;

(*c*) the commissioner shall not delegate to the holder of any office his power under section 96 to fine, reduce, suspend, remove or dismiss any employee, or his power under section 97 to grant leave of absence to any employee, unless such employee was appointed by the holder of such office by virtue of a delegation of the commissioner's powers of appointment;

(*d*) the commissioner shall not delegate his power under section 80 to make on behalf of the corporation any contract involving an expenditure exceeding two thousand rupees;

(*e*) when the commissioner delegates under this section any power or duty which is exercisable or is required to be performed subject to the approval of any other municipal authority, the commissioner shall send a copy of the order of delegation to such authority.

Reservation of control in respect of powers delegated.

17. The exercise or discharge by a municipal officer of any powers, duties or functions delegated to him under section 16 shall be subject to such restrictions, limitations and conditions (if any) as may be laid down by the commissioner and shall be subject to his control and revision.

Delegation of commissioner's extraordinary powers.

18. The commissioner may on his responsibility and by an order in writing authorize the health officer, the engineer, the revenue officer, or any other officer who is the head of a department working under the commissioner, or any person in temporary charge of the duties of any of the officers aforesaid to exercise the extra-ordinary powers conferred on him by section 11.

The Standing Committees.

Election of standing committee.

19. (1) Each standing committee shall consist of seven members elected by the corporation from its own number: provided that no councillor or alderman shall be a member of more than two standing committees at the same time.

(2) A councillor or alderman elected to be a member of a standing committee shall hold office as such, unless he sooner resigns the same, till his term of office as councillor or alderman is in any manner determined.

(3) When a vacancy occurs in a standing committee the corporation shall fill up the vacancy, as soon as may be, by the election of another councillor or alderman.

Functions of standing committees.

20. (1) The corporation shall by regulations framed for the purpose determine the powers and duties of each standing committee and may by regulations provide for a conference of two or more standing committees or for the appointment out of such committees of a joint committee for any purpose in respect of which they may be jointly interested.

(2) The accounts standing committee in addition to the powers and duties assigned to it under such regulations:—

(*a*) shall supervise the utilization of the budget grants;

(*b*) shall have access to the accounts of the corporation, and may require the commissioner to furnish any explanation which it considers to be necessary as to the receipts and expenditure of the municipal fund;

(*c*) may conduct a monthly audit of the municipal accounts and shall be bound to check the monthly abstract of receipts and disbursements for the preceding month as furnished by the commissioner; and

(*d*) may write off the amount of any loss, or depreciation caused to municipal property which appears to the committee to be irrecoverable.

(3) The Taxation and Finance standing committee, shall, in addition to the duties and powers assigned to it under regulations referred to in sub-section (1), be also entitled to exercise the powers referred to in clause (*b*) of sub-section (2).

(4) The corporation shall sanction such staff as may reasonably be required by the Accounts and the Taxation and Finance Standing Committees.

Construction of reference to standing committee.

21. Wherever in this Act the expression "the standing committee" occurs, it shall, unless the context otherwise requires, be deemed to refer to the particular standing committee to which the power or duty in connection with which the expression is assigned by this Act or by regulations made by the corporation; and all references to the standing committee in any other law shall be construed as references to the particular standing committee to which the power or duty conferred or

imposed by such law is assigned by regulations made by the corporation.

Delegation of powers to commissioner by standing committee.

22. (1) In any case in which it is provided by this Act or any other law for the time being in force that the commissioner may take action subject to the approval, sanction, consent or concurrence of a standing committee, the committee may, by resolution in writing, authorize him to take action in anticipation of its approval, sanction, consent or concurrence subject to such conditions (if any) as may be specified in such resolution.

(2) Whenever the commissioner, in pursuance of such resolution, takes any action in anticipation of the approval, sanction, consent or concurrence of a standing committee, he shall forthwith inform the committee of the action so taken.

The Corporation.

Functions of Corporation.

23. (1) Subject to the provisions of this Act, the municipal government of the city shall vest in the corporation, but the corporation shall not be entitled to exercise functions expressly assigned by or under this Act or any other law for the time being in force to a standing committee or the commissioner.

(2) If any doubt arises as to the municipal authority to which any particular function pertains, the mayor shall refer the matter to the Government, whose decision shall be final.

(3) Without prejudice to the generality of sub-section (1), it shall be the duty of the corporation to consider all periodical statements of receipts and disbursements and all progress reports, and pass such resolutions thereon as it thinks fit.

Obligation on remaining municipal authorities to carry out functions of Corporation.

24. The standing committees and the commissioner shall be bound to give effect to every resolution of the corporation unless such resolution is cancelled in whole or in part by the Government.

Duties and powers of individual councillors and women.

25. (1) Any councillor or alderman may draw the attention of the proper authority to any neglect in the execution of municipal work, to any waste of municipal property, or to the wants of any locality, and may suggest any improvements which he considers desirable.

(2) Every councillor or alderman shall have the right to interpellate the mayor on matters connected with the municipal administration subject to such regulations as may be framed by the corporation.

(3) Every councillor or alderman shall have access during office hours to the records of the corporation after giving due notice to the commissioner, provided that the commissioner may for reasons given in writing forbid such access. The councillor or alderman may appeal against such order to the Mayor whose decision shall be final.

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26. Neither the mayor nor the deputy mayor, nor any councillor or alderman shall receive or be paid, from the funds at the disposal of or under the control of the corporation, any salary or other remuneration for services rendered by him in any capacity whatsoever.

Mayor, deputy mayor, councillor or alderman not to receive remuneration.

27. (1) The corporation or a standing committee may at any time require the commissioner—

Requisitions by corporation or a standing committee for commissioner's records.

(*a*) to produce any record, correspondence, plan or other document which is in his possession, or under his control as commissioner;

(*b*) to furnish any return, plan, estimate, statement, account or statistics connected with the municipal administration;

(*c*) to furnish a report by himself or to obtain from any head of department subordinate to him and furnish, with his own remarks thereon, a report upon any subject connected with the municipal administration.

(2) The commissioner shall comply with every such requisition unless in his opinion immediate compliance therewith would be prejudicial to the interest of the corporation or of the public, in which case he shall make a declaration in writing to that effect and shall, if required by the corporation or the standing committee, as the case may be, refer the question to the Mayor whose decision shall be final.

28. The corporation may at any time call for an extract from the proceedings of a standing committee or of any committee or for any return, statement, account or report connected with any matter with which such committee is empowered to deal; and every such requisition shall be complied with by the standing committees, or other committee, as the case may be.

Corporation's power to call for records of committees.

29. (1) The corporation may, and if so required by the Government shall join with one, or more than one, other local authority in constituting a joint committee for any purpose in which they are jointly interested or for any matter for which they are jointly responsible.

Appointment of joint committees.

(2) A joint committee may include persons who are not members of the local authorities concerned but who may in their opinion possess special qualifications or special interest for serving on such committee:

Provided that the number of such persons shall not exceed one-third of the total number of members of the joint committee.

(3) The constitution of a joint committee shall be by means of regulations which shall not, except in the cases referred to in sub-sections (6) and (7) have effect unless assented to by each of the local authorities concerned.

(4) The regulations shall determine—

(*a*) the total number of members of the joint committee;

(*b*) the number who shall be members of the local authorities concerned and the number who may be outsiders ;

(*c*) the persons who shall be members of the joint committee or the manner in which they shall be elected or appointed ;

(*d*) the person who shall be chairman of the joint committee or the manner in which he shall be elected or appointed ;

(*e*) the term of office of members and chairman ;

(*f*) the powers, being powers exercisable by one or more of the local authorities concerned, which may be exercised by the joint committee ; and

(*g*) the procedure of the joint committee.

(5) Regulations made under sub-sections (3) and (4) may be varied or revoked provided that all the local authorities concerned assent to such variation or revocation.

(6) If the Government take action under sub-section (1), they may issue such directions as they think necessary or desirable in respect of all or any of the matters referred to in sub-sections (3) and (4).

(7) If any difference of opinion arises between local authorities under any of the foregoing provisions of this section, it shall be referred to the Government whose decision shall be final.

Provisions common to the Corporation and the Standing Committees.

Election of mayor, deputy Mayor and chairman.

30. (1) The corporation shall at its first meeting after the first day of January in each year elect—

(*a*) one of its number to be the mayor ; and

(*b*) one of its number other than the mayor to be the deputy mayor.

(2) A deputy mayor on being elected Mayor shall cease to be the deputy mayor.

(3) Each standing committee shall at its first meeting after the election referred to in clause (*a*) of sub-section (1) elect one of its members other than the mayor to be its chairman.

Term of office of mayor, deputy Mayor and chairman.

31. The mayor, deputy mayor or chairman shall be entitled to hold office from the time of his election and until the election of his successor, provided that in the meantime he does not cease to be a councillor or an alderman.

On the occurrence of any vacancy in the office of mayor, deputy mayor or chairman, the corporation or standing committee, as the case may be, shall at its next meeting elect a successor, who shall be entitled to hold office so long as the person in whose place he is elected would have been entitled to hold it, if the vacancy had not occurred.

32. An outgoing mayor, deputy mayor or chairman is eligible for re-election. Re-eligibility of mayor, deputy mayor and chairman.

33. The corporation and the standing committees shall observe the procedure laid down in Schedule II and may make supplementary regulations, not inconsistent therewith or with other provisions of this Act or any rules made by the Government, for the conduct of their respective proceedings and also for the maintenance of order at their meetings. Rules and regulations for proceedings of corporation and standing committees.

Explanation.—Any supplementary regulation made under this section shall, if it is inconsistent with the provisions of any rule made subsequently, become void to the extent of such inconsistency.

34. (1) Every meeting of the corporation shall be presided over by the mayor, in his absence by the deputy mayor, and in the absence of both the mayor and the deputy mayor, by a councillor or alderman chosen by the meeting to preside for the occasion. Presidency of corporation and standing committees.

(2) Every meeting of a standing committee shall be presided over by its chairman and in his absence by a member thereof chosen by the meeting to preside for the occasion.

(3) The mayor, the deputy mayor or the chairman, as the case may be, shall preserve order and shall decide all points of order and procedure arising at or in connection with meetings. There shall be no discussion on any point of order and the decision of the mayor, deputy mayor or the chairman thereon shall save as is otherwise expressly provided in this Act, be final.

(4) The deputy mayor, councillor, or alderman presiding at a meeting of the corporation and the member presiding at a meeting of a standing committee shall for that meeting and during the period that he presides over it, have all the powers and be subject to all the obligations of the mayor or chairman as the case may be.

35. (1) The commissioner shall have the right to attend the meetings of the corporation and of any standing committee and to take part in the discussion but shall not have the right to move any resolution or to vote. Commissioner's right to attend and take part in discussion but not to move resolution or to vote.

(2) He shall attend any meeting of the corporation or of a standing committee if required to do so by the Mayor.

36. (1) No councillor or alderman shall vote on, or take part in the discussion of, any question coming up for consideration at a meeting of the corporation or of any standing committee or any committee, if the question is one in which, apart from its general application to the public, he has any direct or indirect pecuniary interest by himself or his partner. Councillors and aldermen to abstain from taking part in discussion and voting on questions in which they are pecuniarily interested.

(2) The mayor or chairman may prohibit any councillor or alderman from voting on or partaking in the discussion of any matter in which the councillor or alderman is believed to

have such interest, or he may require the councillor or alderman to absent himself during the discussion.

(3) Such councillor or alderman may challenge the decision of the mayor or chairman, who shall thereupon put the question to the meeting. The decision of the meeting shall be final.

(4) If the mayor or chairman is alleged by any councillor or alderman present at the meeting to have any such interest in any matter under discussion, he may on the motion of such councillor or alderman if carried, be required to absent himself from the meeting during the discussion.

(5) The councillor or alderman concerned shall not be entitled to vote on the question referred to in sub-section (3) and the mayor or chairman concerned shall not be entitled to vote on the motion referred to in sub-section (4).

Explanation.—In this section 'Mayor' includes a deputy mayor, councillor or an alderman presiding for the occasion and chairman includes a member presiding for the occasion at a meeting of a committee.

Resignations.

37. The mayor may resign his office by giving notice in writing to the corporation; the deputy mayor, and councillor or alderman other than the mayor and the chairman or any member of a standing committee may resign his office by giving notice in writing to the mayor. Such resignation shall take effect in the case of the mayor from the date on which it is placed before the corporation and in any other case from the date on which it is received by the mayor.

Savings of validity of proceedings.

38. (1) No act done, or proceeding taken under this Act shall be questioned merely on the ground—

(*a*) of any vacancy or defect in the constitution of the corporation or of any standing committee, or

(*b*) of any defect or irregularity in such act or proceeding, not affecting the merits of the case.

(2) Every meeting of the corporation or of a standing committee, the minutes of the proceedings of which have been signed as laid down in Schedule II, shall be deemed to have been duly convened and to be free from all defect and irregularity.

The Mayor.

Prerogative of the Mayor.

39. (1) The mayor shall have full access to all records of the corporation and may obtain reports from the commissioner on any matter connected with the administration of the corporation.

(2) No official correspondence between the corporation and the Government shall be conducted except through the Mayor.

(3) The mayor shall be bound to transmit communications addressed through him by the commissioner to the Government or by the Government to the commissioner. While transmitting communications from the commissioner to the Government, the mayor may make such remarks as he may think necessary.

Mayor to be member of all committees.

40. (1) The mayor shall *ex-officio* be a member of every standing committee and of every other committee constituted under this Act except the taxation appeals committee but shall not be eligible to be elected as the Chairman of any standing committee.

(2) If the mayor wa at the time of his elections the chairman or an elected member of a standing committee, he shall cease to hold office as such chairman or member.

(3) If a vacancy occurs in the office of the Chairman of any standing committee, the mayor shall convene a meeting of that committee for the election of another Chairman.

The Deputy Mayor.

Functions of deputy mayor.

41. (1) When the office of mayor is vacant, his functions shall devolve on the deputy mayor until a new Mayor is elected.

(2) If the Mayor has been continuously absent from the city for more than fifteen days or is incapacitated, his functions shall devolve on the deputy mayor until the mayor returns to the city or recovers from his incapacity, as the case may be.

(3) The mayor may, by an order in writing, delegate any of his functions to the deputy mayor.

Administration Report.

Submission of administration report to Government.

42. (1) As soon as may be after the first day of July in every year and not later than such date as may be fixed by the government, the corporation shall submit to the Government, a detailed report of the administration during the preceding year in such form as the Government may direct.

(2) The commissioner shall prepare such report and the corporation shall consider the report and forward the same to to the Government with their resolutions thereon, if any.

(3) Copies of the administration report shall be kept for sale at the municipal office.

Powers of the Government.

Government's power to call for records.

43. The Government may at any time require the corporation or the commissioner—

(*a*) to produce any record, correspondence, plan, or other document;

(*b*) to furnish any return, plan estimate, statement, account or statistics;

(c) to furnish or obtain any report.

Government's power to cause inspection to be made.

44. The Government may depute any officer to inspect or examine any municipal department, office, service, work or thing and to report thereon and any officer so deputed may, for the purposes of such inspection or examination, exercise all the powers conferred by section 43.

Government's power to direct the taking of action.

45. If, on receipt of any information or report obtained under sections 43 or 44, the Government are of opinion.—

(a) that any duty imposed on any municipal authority by or under this Act has not been performed or has been performed in an imperfect, inefficient or unsuitable manner, or

(b) that adequate financial provision has not been made for the performance of any such duty;

the Government may, by an order, direct the corporation or the commissioner within a period to be specified in the order, to make arrangements to their satisfaction for the proper performance of the duty, or to make financial provision to their satisfaction for the performance of the duty, as the case may be

Provided that, unless in the opinion of the Government the immediate execution of such order is necessary, the Government shall, before making an order under this section, give the corporation an opportunity of showing cause why such order should not be made.

Government's power to appoint a person to take action in default at expense of corporation.

46. (1) If, within the period fixed by an order issued under section 45, any action directed under that section has not been duly taken, the Government may by order—

(a) appoint some person to take the action so directed,

(b) fix the remuneration to be paid to him, and

(c) direct that such remuneration and the cost of taking such action shall be defrayed out of the municipal fund, and if necessary, that any one or more of the taxes authorized by Part III of this Act shall be levied or increased but not so as to exceed any maximum prescribed by that part.

(2) For the purpose of taking the action directed as aforesaid, the person appointed under sub-section (1) shall have power to make such contracts as are necessary, may exercise any of the powers conferred, on any municipal authority by or under this Act and specified in this behalf in the order issued under sub-section (1), and shall be entitled to protection under this Act as if he were a municipal authority.

(3) The Government may, in addition to, or instead of, directing the levy or increase of any of the said taxes, direct by notification that any sum of money which may in their opinion be required for giving effect to their orders be borrowed by debenture and on the security of all or any of the said taxes at such rate of interest and upon such terms as to the time of repayment and otherwise as may be specified in the notification.

(4) The provisions of sections 146 to 157 shall, as far as may be, apply to any loan raised in pursuance of this section.

Submission of copies of proceedings, resolutions and bye-laws to Government.

47. (1) The mayor shall submit to the Government copies of all resolutions and all bye-laws.

Government's power to cancel resolutions and bye-laws.

(2) The Government may at any time by notification—

(*a*) cancel any resolution in whole or in part on the ground that it is in excess of the powers conferred by this Act or by any rules made under this Act;

(*b*) repeal wholly or in part, or modify any bye-law:

Provided that before taking any action under this sub-section the Government shall communicate to the corporation the grounds on which they propose to do so, fix a reasonable period for the corporation to show cause against the proposal and consider its explanations and objections, if any.

(3) The repeal or modification of any bye-law shall take effect from the date of publication of the notification, if no date is therein specified, and shall not affect anything done, omitted or suffered before such date.

CHAPTER III.

Elections and Appointments of Councillors and Aldermen.

Fifty electoral divisions.

48. (1) (a) For the purpose of the election of the divisional councillors to fill the fifty general seats referred to in clause (*a*) of sub-section (1) of section 5, the city shall be divided into fifty territorial divisions the boundaries of which shall be fixed by the Government by notification.

(*b*) The Government may, after consulting the corporation, by notification, alter the boundaries of any such division.

(2) (*a*) For the purpose of the election of councillors to fill the seats specially reserved for members for the depressed classes and women under clause (*a*) of sub-section (1) of section 5, the Government may by notification declare—

(i) in which of the divisions the said seat shall be reserved and

(ii) for whom such seats are reserved.

(*b*) The Government may after consulting the corporation by notification, vary any declaration made by them under clause (*a*).

Number of councillors for each division.

49. (1) Except in the case of the divisions notified by the Government under sub-section (2) of section 48 only one councillor shall be elected for each division.

(2) Each of the divisions notified by the Government under sub-section (2) of section 48 shall elect in the manner specified in section 50 two councillors, one of whom shall be a member of the depressed classes, or a woman, as the case may be.

Mode of election.

50. All the voters in a division, irrespective of their sex or the community to which they belong, shall be entitled to vote at an election to any seat in that division, whether reserved or not.

Mode of election of councillors to labour seats.

51. (1) For the purpose of the election of councillors to the seats specially reserved for labour under clause (*b*) of sub-section (1) of section 5, the Government shall, by notification, constitute in such manner as they think fit—

two electorates consisting of persons employed in any industry situated in the city, who are members of registered labour associations:

Provided that if the number of councillors to be elected to seats specially reserved for labour is increased or reduced under sub-section (2) of section 5, the labour electorates aforesaid shall be increased or reduced in number accordingly and be reconstituted in such manner as the Government think fit.

(2) Each of the electorates constituted under sub-section (1) shall elect two councillors.

Publication of electoral roll.

52. (1) For each of the fifty divisions referred to in sub-section (1) of section 48 and for each of the labour electorates referred to in section 51, the Commissioner shall prepare and publish annually an electoral roll showing the names of persons qualified to vote, provided that the electoral roll published in any year shall remain in force until the publication of a fresh electoral roll.

(2) No person whose name does not appear in the electoral roll as qualified to vote at a divisional election or at the election to a labour constituency, as the case may be, shall vote at such election.

Personal qualifications to vote at election to general and depressed class seats.

53. (1) No person shall be included in the electoral roll as qualified to vote at the election for any of the divisions referred to in sub-section (1) of section 48—

(*a*) unless he has attained the age of twenty-one years in the year preceding that in which the electoral roll is published; and,

(*b*) unless he has resided in such division for one hundred and twenty days in the aggregate in the year preceding that hin which the electoral roll is published :

Provided that a person shall not be deemed to be disqualified under this clause if he is employed in the city and his non-residence in the division for the period aforesaid is due to his absence on leave out of Mysore.

Explanation—For the purpose of this clause no person shall be deemed to reside in more than one division.

Names of electors belonging to the depressed classes to be distinguished from the rest.

54. In the electoral roll for each of the divisions notified by the Government under sub-section (2) of section 48 as the divisions in which seats shall be reserved for members of the depressed classes, the names of the electors belonging to such classes shall be shown separately or be distinguished from the names of the other electors in such manner as the Government may direct.

Disqualification of voters.

55. No person who is of unsound mind or a deaf-mute shall be qualified to vote and no person shall be qualified to vote during the period for which he has been declared to be disqualified by a judicial order passed under section 71, and still in force.

Qualification of candidate.

56. (1) No person shall be qualified for election—

(*a*) as a councillor in respect of any of the fifty general divisional seats, unless his name is included in the electoral roll of any of the fifty divisions of the city ;

(*b*) as a councillor in respect of any of the divisional seats specially reserved for members of the depressed classes or women unless—

(i) such person is himself a member of any such class or a woman, as the case may be ; and

(ii) his or her name is included in the electoral roll of any of the fifty divisions aforesaid.

(*c*) as a councillor in respect of a labour electorate unless his name is included in the electoral roll of any of the labour electorates ; and

(*d*) as an alderman, unless his name is included in the electoral roll of any of the fifty divisions referred to in clause (*a*) or in the electoral roll of the labour electorates referred to in clause (*c*) or he is a member of the body referred to in clause (*c*) of sub-section (1) of section 5 who has resided in the city for ninety days in the aggregate in the year preceding that in which the election is held.

(2) No servant of the Government shall be qualified for election or for holding office as a councillor or an alderman;

Provided that this prohibition shall not apply to—

(i) any person appointed as a special councillor under sub-section (3) of section 5; or

(ii) the holder of any office which does not involve both of the following incidents, namely,—

(*a*) that the incumbent is a whole-time servant of the Government and

(*b*) that he is remunerated by either salary or fees:

Provided further that if any question arises either before or after an election whether any person is or is not disqualified under this sub-section the question shall be referred to the Government whose decision shall be final.

Disqualification of candidates.

57. (1) A person who has been sentenced by a criminal court to transportation or to imprisonment for a period of more than six months for any offence other than an offence of a political character or an offence not involving moral delinquency (such sentence not having been reversed or the offence pardoned) shall be disqualified for election or appointment as a councillor or for election as an alderman while undergoing the sentence and for five years from the date of the expiration of the sentence.

(2) A person shall be disqualified for election or appointment as a councillor or for election as an alderman if such person is at the date of nomination, election or appointment—

(*a*) of unsound mind, a deaf-mute or a leper;

(*b*) an applicant to be adjudicated an insolvent or an undischarged insolvent;

(*c*) directly or indirectly, by himself or his partner, interested in a subsisting contract made with, or any work being done for, the corporation:

Provided that a person shall not be deemed to have any interest in such contract or work by reason only of his having a share or interest in—

(i) any lease, sale or purchase of immovable property or any agreement for the same;

(ii) any agreement for the loan of money or any security for the payment of money only;

(iii) any newspaper in which any advertisement relating to the affairs of the corporation is inserted;

(iv) any company or association, whether incorporated or not, which contracts with the corporation for lighting or supplying with water any part of the city or insuring against fire any property of the corporation;

(v) any company; or

(vi) the sale to the corporation of any articles in which he regularly trades, or the purchase from the corporation of any articles;

(*d*) employed as paid legal practitioner on behalf of the corporation or as legal practitioner against the corporation;

(*e*) an officer or servant holding office under this Act, or an Honorary Magistrate or a Public Prosecutor or Government Pleader; or

(*f*) already either a councillor or an alderman whose term of office as such will not expire before his fresh election or appointment can take effect or has already been elected a councillor or an alderman whose term of office has not yet commenced.

(3) Notwithstanding anything contained in sub-section (1), the Government may direct that such sentence shall not operate as a disqualification.

(4) No person shall be qualified for election or appointment as a councillor or for election as an alderman during the period for which he has been declared to be disqualified by a judicial order passed under section 71, and in force.

Disqualification of councillors and aldermen.

58. (1) Subject to the provisions of section 60, a councillor or alderman shall cease to hold office as such, if he—

(*a*) becomes of unsound mind, a deaf-mute, or a leper;

(*b*) is sentenced by a criminal court to such punishment and for such offence as is described in sub-section (1) of section 57.

(*c*) applies to be adjudicated or is adjudicated an insolvent;

(*d*) subject to the proviso to clause (*c*) of sub-section (2) of section 57, acquires any interest directly or indirectly, by himself or his partner, in any subsisting contract made with, or work being done for, the corporation;

(*e*) is employed as paid legal practitioner on behalf of the corporation or accepts employment as legal practitioner against the corporation;

(*f*) is appointed to any office or post referred to in clause (*e*) of sub-section (2) of section 57;

(*g*) is declared to be disqualified by a judicial order passed under section 71:

(*h*) ceases to reside in the City; or

(*i*) fails to attend the meetings of the corporation for a period of three consecutive months beginning from the date of

the commencement of his term of office or of the last meeting he attended, as the case may be:

Provided that the disqualifications specified in clauses (*h*) and (*i*) shall not apply to any person appointed as a special councillor under sub-section (3) of section 5.

(2) Notwithstanding anything contained in clause (*a*) of sub-section (1) the Government may direct that such sentence shall not operate as a disqualification.

(3) Where a person ceases to be councillor or alderman under clause (*a*) or clause (*g*) of sub-section (1), he shall be restored to office for such portion of the period for which he was elected or appointed as may remain unexpired at the date of such restoration, if and when the sentence or order is annulled on appeal or revision or the disqualification caused by the sentence is removed by an order of the Government and any person elected to fill the vacancy in the interim shall on such restoration vacate office.

(4) In the case of a person who has ceased to be a councillor or an alderman in consequence of failure to attend meetings, the matter shall be reported by the commissioner at the next ordinary meeting and the corporation may at that meeting restore such person to office.

Oath of allegiance to be taken by councillors and aldermen.

59. (1) Notwithstanding anything contained in the Indian Oaths Act, 1873, as in force in Mysore, every person who is elected or appointed to be a councillor or elected as an alderman shall before taking his seat make, at a meeting of the corporation an oath or affirmation of his allegiance to His Highness the Maharaja in the following form, namely :—

"I, A. B., having been elected a councillor/an alderman of this corporation do solemnly swear/affirm that I will be faithful and bear true allegiance to His Highness the Maharaja of Mysore, his heirs and successors and that I will faithfully discharge the duties upon which I am about to enter."

(2) Any person who having been elected or appointed to be a councillor or elected an alderman, fails to make, within three months of the date on which his term of office commences or at one of the first three meetings held after the said date, whichever is later, the oath or affirmation laid down in sub-section (1) shall cease to hold his office and his seat shall be deemed to have become vacant.

(3) Any person who has been elected or appointed to be a councillor or elected an alderman shall not take his seat at a meeting of the corporation or do any act as such councillor or alderman unless he has made the oath or affirmation as laid down in sub-section (1).

(4) Notwithstanding anything contained in sub-section (3), a mayor or deputy mayor or the chairman or a member of a standing committee, who has not made the oath or affirmation as a councillor or alderman shall be entitled to act as such mayor, deputy mayor, chairman, or member :

Provided that he makes the oath or affirmation and takes his seat at the first meeting of the corporation which he attends within two months after he is elected as a mayor, deputy mayor, chairman or member, as the case may be.

Decision of questions of disqualifications of councillors and aldermen by the District Judge, Bangalore.

60. (1) Whenever it is alleged that any person who has been elected or appointed as a councillor or elected as an alderman is disqualified under section 57 or section 58 or section 59 and such person does not admit the allegation or whenever any councillor or alderman is himself in doubt whether or not he has become disqualified for office, such councillor or alderman or any other councillor or alderman may, and the commissioner, at the request of the corporation or on a direction from the Government, shall, apply to the District Judge, Bangalore Division.

(2) The said District Judge, after making such inquiry as he deems necessary, shall determine whether or not such person is disqualified under section 57 or section 58 or section 59 and his decision shall be final.

(3) Until an application has been made under sub-section (1) and a decision thereon has been obtained such person shall be entitled to act as if he were not disqualified.

General Rules for Election and Appointment.

Term of office of councillors and aldermen.

61. The term of office of councillors and aldermen shall, save as otherwise expressly provided, be three years beginning and expiring at noon on the first day of January.

Election of divisional councillors.

62. (1) Vacancies arising by efflux of time in the office of divisional councillor shall be filled at ordinary elections, which shall be fixed by the Commissioner to take place on such days in the months of November and December immediately preceding the vacancies as he thinks fit.

(2) A casual vacancy in the office of divisional councillor shall be filled at a casual election which shall be fixed by the commissioner to take place as soon as may be after the occurrence of the vacancy:

Provided that no casual election shall be held to fill a vacancy occurring within three months before the ordinary date of retirement and that such vacancy shall be filled at the next ordinary election.

(3) A divisional councillor elected at a casual election shall enter upon office forthwith but shall hold office so long only as the councillor in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

Procedure on failure of election.

63. (1) If from any cause no councillor is elected at an ordinary election held under section 62, the retiring councillor shall, if willing to serve, be deemed to have been re-elected.

(2) If in any such case, the retiring councillor is not willing to serve, or if at casual election no councillor is elected, the commissioner shall, without delay, inform the corporation and

thereupon the corporation may appoint a qualified person to fill the vacancy, and if the corporation fails within thirty days after receipt of such information to appoint a person as aforesaid, the commissioner shall fix a day for a fresh election.

(3) The term of office of a councillor appointed, elected or deemed to have been re-elected under this section shall expire at the time at which it would have expired if he had been elected at the ordinary or the casual election, as the case may be.

Procedure in case of equality of votes.

64. If there is an equality of votes between two or more candidates, the commissioner shall decide by drawing lots which candidate shall be deemed to have been elected.

Election or appointment of institutional councillors.

65. (1) Vacancies arising by efflux of time in the office of councillors elected or appointed under clauses (*b*) and (*c*) of sub-section (1) of section 5 shall be filled by election not later than the first day of December immediately preceding the vacancies.

(2) A casual vacancy in the office of any such councillor shall be filled by election or appointment, as the case may be, as soon as may be, after the occurrence of the vacancy.

(3) A councillor elected or appointed in a casual vacancy under sub-section (2) shall enter upon office forthwith, but shall hold office so long only as the councillor in whose place he is elected or appointed would have been entitled to hold office if the vacancy had not occurred.

Election of aldermen.

66. (1) Vacancies arising by efflux of time in the office of aldermen shall be filled by election at a meeting of the persons who on the first day of January on which such vacancies will arise will enter upon office as councillors.

Such meeting shall be convened by the mayor and shall be held on such day in the month of December immediately preceding the vacancies, as he may, with the approval of the Government, determine.

(2) A casual vacancy in the office of an alderman shall be filled by election at a meeting of the elected and appointed councillors convened by the mayor, as soon as may be, after the occurrence of the vacancy.

(3) An alderman elected at a casual election shall enter upon office forthwith but shall hold office so long only as the alderman in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

(4) If from any cause any one or more of the aldermen for whose election a meeting is held under sub-section (1) or sub-section (2), are not elected, the mayor shall fix a day for a fresh election.

(5) The term of office of an alderman elected at an election held under sub-section (4) shall expire at the time at which it would have expired if he had been elected at the ordinary or the casual election, as the case may be.

Election of same person for more than one division, institution or body.

67. (1) If any person has been elected—

(*a*) for two or more divisions or by two or more labour electorates; or

(*b*) for one or more divisions and by one or more labour electorates or the bodies referred to in clause (*c*) of sub-section (1) of section 5 ; or

(*c*) by one or more labour electorates and by one or more of the said bodies ; or

(*d*) for one or more divisions, by one or more labour electorates, and by one or more of the said bodies; he shall, within three days from the date of the last of such elections, intimate to the commissioner, the division, the labour electorate, or the body for which he chooses to serve.

(2) In default of such intimation, the commissioner shall determine by lot and notify the division or the institution or body for which such person shall serve.

(3) The said person shall be deemed to have been elected or appointed only for the division or the institution or body so chosen or so notified, as the case may be, and the vacancies thereby arising in the representation of the other divisions, institutions or bodies shall be filled by fresh elections or appointments, as the case may be.

Notification of elections and appointments.

68. All elections of the mayor, deputy mayor and aldermen and all elections or appointments of councillors shall be notified in the Official Gazette.

Power of Government to make election rules.

69. (1) The Government may make rules regulating the procedure with regard to elections and appointments.

(2) Without prejudice to the generality of sub-section (1) such rules may—

(*a*) provide for the adjudication by the Court of the District Judge, Bangalore Division, of disputes arising out of elections or appointments and ;

(*b*) provide for all matters not expressly provided for in this Act relating to the election of the mayor, the deputy mayor, councillors or aldermen including deposits to be made by candidates standing for election as councillors, and the conditions under which such deposits may be forfeited :

Provided that the deposit required shall not exceed one hundred rupees.

Infringement of secrecy of election.

70. Every polling officer, clerk or other person in attendance at the polling room who, except for purposes authorized by law, communicates to any person any information showing directly or indirectly for which candidate any voter has voted, and every person who, by any improper means procures any such information, shall be punished with imprisonment of either description which may extend to six months or with fine or with both.

Order of disqualification.

71. Every person convicted of an offence punishable under section 70 or under Chapter IX-A of the Indian Penal Code shall be disqualified from voting or from being elected in any election to which this Act applies or from holding the office of

councillor or alderman for a period of five years from the date of his conviction or for such shorter period as the court may, by order, determine.

CHAPTER IV.

General Powers of Municipal Authorities as to Property, Contracts, Establishment.

Property.

Limitation of power to accept property in trust.

72. The corporation may accept trusts relating exclusively to the furtherance of purposes to which the municipal fund may be applied.

Acquisition of property and interests therein.

73. Subject to the provisions of section 80, the Commissioner may, for the purposes of this Act, acquire on behalf of the corporation movable or immovable property within or without the city or any interests in such property:

Provided that—

(*a*) the commissioner shall be bound by any resolution of the standing committee fixing terms, rates or maximum prices for a particular case or for any class of cases;

(*b*) the sanction of the standing committee shall be required for the exchange of any immovable property, for the taking of any property on lease for a term exceeding twelve months, or for the acceptance of any gift or bequest of property burdened by an obligation; and

(*c*) the sanction of the corporation shall be required—

(i) for the acceptance or acquisition of any immovable property if the value of the property which it is proposed to accept, acquire or give in exchange exceeds one thousand rupees;

(ii) for the taking of any property on lease for a term exceeding three years; or

(iii) for the acceptance of any gift or bequest of property burdened by an obligation if the value of such property exceeds one thousand rupees.

Disposal of property and interests therein.

74. (1) Subject to the provisions of section 80, the commissioner may dispose by sale or exchange of any corporation movable property the value of which does not exceed five hundred rupees in each instance, or grant for any term not exceeding twelve months a lease of any corporation immovable property or a lease or concession of any right of fishing or grazing or of gathering and taking fruit and the like:

Provided that every such disposal, lease or concession made or granted by the commissioner shall be reported to the standing committee within fifteen days.

(2) With the sanction of the standing committee, the Commissioner may dispose by sale or exchange of any corporation movable property the value of which does not exceed five thousand rupees in each instance, or grant for any term not exceeding three years a lease of any corporation immovable property or a lease or concession of any such right as aforesaid.

(3) With the sanction of the corporation the Commissioner may lease, sell or otherwise dispose of any corporation property, movable or immovable.

(4) The sanction of the standing committee under sub-section (2) or that of the corporation under sub-section (3) may be given either generally or for any class of cases or specially for any particular case.

(5) The commissioner may lend or let out on hire any corporation movable property on such conditions and for such periods as may be specified in regulations made by the standing committee in that behalf.

Procedure for acquisition of immovable property under the Mysore Land Acquisition Act, 1894.

75. Any immovable property which any municipal authority is authorized by this Act to acquire may be acquired under the provisions of the Mysore Land Acquisition Act, 1894, and on payment of the compensation awarded under the said Act in respect of such property and of any other charges incurred in acquiring it, the said property shall vest in the corporation.

Objects not provided for by this Act.

76. The Government may with the consent of the corporation transfer to the corporation the management of any institution or the execution of any work not provided for by this Act and it shall thereupon be lawful for the corporation to undertake such management or execution:

Provided that in every such case the funds required for such management or execution shall be placed at the disposal of the corporation by the Government.

CONTRACTS.

Power of corporation to determine whether works shall be executed by contract.

77. The corporation may determine either generally for any class of cases or specially for any particular case whether the Commissioner shall execute works by contract or otherwise.

Power of the several authorities to sanction estimates.

78. (1) The commissioner may sanction any estimate, the amount of which does not exceed ten thousand rupees.

(2) When the amount of the estimate exceeds ten thousand rupees but does not exceed fifty thousand rupees, the sanction of the standing committee shall be required.

Works costing more than fifty thousand rupees.

79. (1) Where a project is framed for the execution of any work or series of works the entire estimated cost of which exceeds fifty thousand rupees—

(*a*) the commissioner shall cause a detailed report to be prepared including such estimates and drawings as may be requisite and the standing committee shall lay the same before the corporation;

(*b*) the corporation shall consider the report and may reject the project or may approve it either in its entirety or subject to modifications.

(2) (*a*) Where the corporation approves the project, and the entire estimated cost exceeds two and a half lakhs of rupees, the report subject to any modifications as aforesaid, shall be submitted to the Government.

(*b*) The Government may reject the project or may sanction it either in its entirety or subject to modification.

(*c*) The work shall not be commenced until the project has been sanctioned by the Government with or without modification.

(*d*) No material change in the project sanctioned as aforesaid shall be carried into effect without the sanction of the Government.

General provisions regarding contracts.

80. (1) The corporation may enter into and perform all such contracts as it may consider necessary or expedient for carrying into effect the provisions of this Act.

(2) With respect to the making of contracts under or for any purpose of this Act, the following provisions shall have effect, namely,—

(*a*) every contract shall be made on behalf of the corporation by the commissioner;

(*b*) no contract for any purpose which, in accordance with any provision of this Act, the commissioner may not carry out without the sanction of one of the other municipal authorities, shall be made by him unless such sanction has been given;

(*c*) no contract involving an expenditure exceeding ten thousand rupees and not exceeding fifty thousand rupees shall be made by the commissioner unless it has been sanctioned by the standing committee;

(*d*) no contract involving an expenditure exceeding fifty thousand rupees shall be made by the commissioner unless it has been sanctioned by the corporation;

(*e*) every contract made by the commissioner involving an expenditure exceeding one thousand rupees and not exceeding ten thousand rupees shall be reported to the standing committee within fifteen days after it has been made.

(3) The provisions of sub-section (2) shall apply to any variation of a contract involving an increase of more than ten per cent on the expenditure involved in the original contract.

Mode of making contracts.

81. (1) Every contract entered into by the commissioner on behalf of the corporation shall be entered into in such manner and form as would bind him if it were made on his own behalf and may in like manner and form be varied or discharged:

Provided that —

(*a*) the common seal of the corporation shall be affixed to every contract which, if made between private persons, would require to be under seal; and

(*b*) every contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding one thousand rupees shall be in writing and shall be sealed with the common seal of the corporation and shall specify—

(i) the work to be done or the materials or goods to be supplied, as the case may be,

(ii) the price to be paid for such work, materials or goods and,

(iii) in the case of a contract for work, the time within which the work or specified portions thereof shall be completed.

(2) The common seal of the corporation shall remain in the custody of the Commissioner and shall not be affixed to any contract or other instrument except in the presence of the Commissioner or of two members of the standing committee, and the Commissioner or the said two members shall sign the contract or instrument in token that the same was sealed in his or their presence.

(3) No contract executed otherwise than as provided in this section shall be binding on the corporation.

Invitation of tenders.

82 (1) At least seven days before entering into any contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding three thousand rupees, the commissioner shall give notice by advertisement inviting tenders for such contract:

Provided that the standing committee may at the instance of the commissioner and for reasons which shall be recorded in its proceedings, authorize the commissioner to enter into a contract without inviting tenders.

(2) On receipt of the tenders made in pursuance of the notice given under sub-section (1), the commissioner may, subject to the provisions of section 80, accept any tender which appears to him, upon a view of all the circumstances, to be the most advantageous, but he shall not reject all the tenders without the sanction of the standing committee.

Saving of certain irregularities.

83. When work is given on contract at unit rates and the number of units is not precisely determinable, the contract shall not be deemed to contravene the provisions of section 80, section 81 or section 82 merely by reason of the fact that the pecuniary limits therein laid down are eventually exceeded.

Security for performance of contracts.

84. The commissioner shall take sufficient security for the due performance of every contract into which he enters after a tender has been accepted, and may take security for the due performance of any other contract into which he enters under this Act.

Establishment.

The Health Officer, the Engineer, etc.

85. (1) The corporation shall appoint a health officer, an engineer, a revenue officer, and such other officers as it may

consider necessary who shall be heads of departments working under the commissioner.

The salary and allowances attaching to every such appointment shall be fixed by the corporation subject to the sanction of the Government, and shall not be varied without the like sanction :

Provided that —

(*a*) every such appointment shall be subject to confirmation by the Government.

(*b*) the monthly salary of the health officer, the engineer, and the revenue officer, shall not exceed twelve hundred rupees ;

(2) The said officers shall be whole-time officers of the corporation and shall not undertake any work unconnected with their respective offices without the sanction of the corporation.

Special superior appointments.

86. The corporation may appoint :

(*a*) special health officers for the purpose of making investigations and proposing preventive or remedial measures with reference to the occurrence of any unusual mortality or the prevalence or apprehended outbreak of any dangerous disease within the City ;

(*b*) engineers, architects or experts in town improvement or town-planning for the purpose of preparing, executing or supervising any scheme or work undertaken by the corporation ;

(*c*) special revenue officers for the purpose of carrying out a periodical revision of assessment, introducing a new tax or discharging any extraordinary duty connected with the revenue administration of the corporation :

Provided that—

(i) no such special office shall be created without the sanction of the Government ;

(ii) the period of duration of any such office, the salary, the allowances and the conditions of service attaching thereto shall be fixed by the corporation, subject to the sanction of the Government, save as expressly laid down in section 88, and shall not be varied without the like sanction ; and

(iii) every appointment to any such office shall be subject to confirmation by the Government.

Time within which vacancy in superior appointment must be filled up.

87. (1) If a vacancy occurs in any office specified in sections 85 and 86 or any new office is created under section 86, the corporation shall within three months appoint some person to hold such office.

(2) If the Government refuse to confirm the appointment so made, the corporation shall make a fresh appointment within forty-five days from the receipt of the order refusing confirmation.

(3) In default of any appointment or fresh appointment being made in accordance with sub-section (1) or sub-section (2), as the case may be, the Government may appoint a person to hold the office and such person shall be deemed to have been appointed by the corporation.

(4) Pending an appointment under sub-section (1) or sub-section (2), the corporation may appoint a person to hold the office temporarily and may assign to him such salary as it shall think fit:

Provided always that the salary so assigned shall not exceed the maximum laid down in section 85 or fixed with the sanction of the Government under section 86 in respect of the Office.

Removal and leave, pensionary and leave contributions of superior officers.

88. (1) Any officer appointed under section 85, section 86 or sub-section (3) of section 87 may be removed from office by the Government.

(2) Leave may be granted to any such officer by the commissioner for periods not exceeding one month and by the corporation for longer periods:

Provided that where such officer is in the service of the Government such leave shall be granted by the Government.

(3) If any such officer is a civil officer in the service of the Government, he shall be entitled to leave and other privileges in accordance with the rules and regulations of the branch of Government service to which he belongs and in force for the time being and the corporation shall make such contribution towards his leave allowances, pension and provident fund as may be payable under such rules and regulations by him or on his behalf.

(4) If any such officer is not a civil officer in the service of the Government, his leave and leave allowances, his superannuation or retirement, his gratuity or pension and the proportions of his pensionary or provident fund contributions payable respectively from his salary and from the municipal fund shall be governed by regulations approved by the Government:

Provided that:—

(*a*) the amount of any such leave and leave allowances, gratuity or pension shall in no case without the special sanction of the Government exceed what would be admissible in the case of Government servants of similar standing and status; and

(*b*) the conditions under which such allowances are granted, or any leave, superannuation or retirement is sanctioned, shall not without similar sanction be more favourable than those for the time being prescribed for such Government servants.

Power of Government to appoint special health officers.

89. In the event of the occurrence of any unusual mortality or the prevalence or apprehended outbreak of any dangerous disease within the City, the Government, if they consider immediate action necessary, may, of their own motion appoint a special health officer wholly or partly at the expense of the municipal fund;

Provided that—

(*a*) the duration of the special office shall not exceed six months; and

(*b*) the corporation shall not be bound to pay more than five hundred rupees per mensem on account thereof.

Appointment to corporation establishment.

90. Subject to the provisions of sections 85, 86, and 89, appointments to the corporation establishment shall be made :—

(*a*) by the corporation if the maximum monthly salary of the office exceeds five hundred rupees ;

(*b*) by the commissioner in all other cases.

Establishment schedule.

91. (1) The commissioner shall, from time to time, lay before the standing committee a schedule setting forth the designations and grades of the officers and servants who should in his opinion constitute the corporation establishment, and embodying his proposals with regard to the salaries, fees and allowances payable to them.

(2) The standing committee may either approve or amend such schedule as it thinks fit and shall lay it before the corporation with its remarks, if any.

(3) The corporation shall sanction such schedule with or without modifications as it thinks fit and may from time to time amend it at the instance of the commissioner and standing committee :

Provided that no new office shall be created without the sanction of the Government if the maximum monthly salary exceeds two hundred and fifty rupees.

Restriction of employment of establishment.

92. No officer or servant shall be entertained on the corporation establishment unless he has been appointed under section 85, section 86, section 87 or section 89, or unless his office and emoluments are included in the schedule sanctioned under section 91.

Commissioner controls corporation establishment.

93. Subject to the provisions of this Act and to the bye-laws and regulations for the time being in force, the commissioner shall prescribe the duties of the corporation establishment and exercise supervision and control over their acts and proceedings and dispose of all questions relating to their conduct, service, pay, allowances, leave, pension and provident fund privileges.

Contributions in respect of Government servants.

94. (1) If an officer or servant serving or having served under the corporation is or has been transferred from or to the service of the Government or is employed partly under the Government and partly by the corporation, the corporation shall make such contribution towards his leave allowances, pension and provident fund as may be required to be made by him or on his behalf under the rules and regulations of the branch of Government service to which he belongs.

(2) Every Government servant employed by the corporation shall be entitled to leave and other privileges in accordance with the rules and regulations of the branch of Government service to which he belongs.

Power of standing committee to frame service regulations.

95. Subject to the provisions of this Act, the standing committee may frame regulations in respect of the corporation establishment—

(*a*) fixing the amount and nature of security to be furnished;

(*b*) prescribing educational or other qualifications;

(*c*) regulating the grant of leave, leave allowances and acting allowances;

(*d*) regulating the grant of pensions and gratuities;

(*e*) establishing and maintaining provident funds and making contribution thereto compulsory;

(*f*) regulating conduct; and

(*g*) generally prescribing conditions of service:

Provided that every regulation so framed shall be subject to confirmation by the corporation and that every regulation framed under clause (*b*) in respect of any officer whose appointment is subject to confirmation by the Government or clause (*d*) or clause (*e*) shall also require the sanction of the Government;

Provided also (*i*) that the amount of any leave and leave allowances, gratuity or pension granted under these regulations shall in no case without the special sanction of the Government exceed what would be admissible in the case of Government servants of similar standing and status, and (*ii*) that the conditions under which such allowances are granted or any leave, superannuation or retirement is sanctioned shall not without similar sanction be more favourable than those for the time being prescribed for such Government servants.

Power to punish establishment.

96. (1) Subject to the provisions of section 94, if any, officer or servant in the service of the corporation other than an officer appointed under section 85, section 86 or sub-section (3) of section 87 is guilty of any breach of any departmental rules or discipline or of carelessness, neglect of duty or other misconduct, or is unfit, the authority competent to appoint such officer or servant may impose the following penalties on him, namely:—

(*i*) censure;

(*ii*) with-holding of increments or promotion, including stoppage at an efficiency bar;

(*iii*) reduction to a lower post or time-scale, or to a lower stage in a time-scale;

(*iv*) fine;

(*v*) recovery from pay of the whole or part of any pecuniary loss caused to the corporation;

(*vi*) suspension;

(*vii*) removal from the service of the corporation, which does not disqualify from future employment;

(*viii*) dismissal from the service of the corporation which ordinarily disqualifies from future employment.

(2) Any order passed under sub-section (1) shall be final:

Provided that any officer or servant in receipt of a monthly salary of not less than fifty rupees may appeal to the standing committee against any order of the commissioner reducing, removing or dismissing him or suspending him for a period of more than one month:

Provided further that any officer or servant in receipt of a monthly salary exceeding one hundred rupees may appeal to the Government against an order of dismissal, within a period of one month from the date of the order passed by the standing committee, on appeal from such order of dismissal;

Provided further that no Government servant employed by the corporation shall be dismissed from such employment without the consent of the Government or until three months' notice in writing to that effect shall have been given to the chief controlling authority of the branch of the Government service to which such servant belongs.

(3) Pending a resolution of the corporation the commissioner may suspend any officer appointed by that authority:

Provided always that he shall forthwith report to the corporation the reasons for his action.

Power to grant leave to establishment.

97. Save as provided in sections 88 and 94, leave may be granted to the corporation establishment by the commissioner.